

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**OTIS GRANT**  
*Plaintiff,*

**CIVIL ACTION NO. 18-CV-1953**

**V.**

**HARRIS COUNTY,**  
*Defendant.*

**JURY TRIAL**

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**DEFENDANT HARRIS COUNTY'S NOTICE OF REMOVAL**

Defendant Harris County files this Notice of Removal pursuant to 28 U.S.C. § 1441, and respectfully shows as follows:

1. Plaintiff Otis Grant filed his Original Petition on May 23, 2018 under Cause No. 2018-34687, in the 234th Judicial District Court of Harris County, Texas. The 234th Judicial District recognized that Grant's case is redundant to another case he filed two years earlier in the 333rd Judicial District of Harris County, Texas.<sup>1</sup> Accordingly, on May 25, 2018, the 234th Judicial District transferred this case to the 333rd Judicial District.

2. Harris County was served on May 31, 2018. Harris County's Notice of Removal is being filed within 30 days of service of Plaintiff's Original Petition.

3. Plaintiff's claims are based on alleged violation of federal law. Specifically, Plaintiff claims he was retaliated against under 42 U.S.C. § 2000e, *et seq.* (Title VII). (See Plaintiff's Petition at ¶¶ 2 & 42.) Plaintiff further alleges his claim is based on a right-to-sue letter

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<sup>1</sup> Both of Grant's cases are based on the same alleged facts. Grant's first case was removed to federal court and assigned Cause No. 4:16-CV-3529. The Honorable Judge Kenneth Hoyt granted summary judgment on March 20, 2018. Grant is currently appealing his first case while simultaneously filing this second case in state court.

allegedly provided by the United States Department of Justice. (See Plaintiff's Petition at ¶ 5.) Plaintiff seeks damages, injunctive relief, and attorney's fees.

4. Under 28 U.S.C. § 1441(a), a defendant may remove any civil action brought in state court for which a United States district court has original jurisdiction. Under 28 U.S.C. § 1441(c) a United States district court has original jurisdiction over any claim "arising under the Constitution, laws, or treaties of the United States." Plaintiff's claims arise under the laws of the United States.

5. This Court has original jurisdiction over this claim under 28 U.S.C. § 1441 and 28 U.S.C. § 1331. Venue is proper in the Southern District of Texas, Houston Division, because this district and division encompasses Harris County, Texas. The sole defendant, Harris County, consents to this removal.

6. Harris County is filing copies of all process and pleadings in Cause No. 2018-34687, in the 234th Judicial District Court of Harris County, Texas.

7. This Notice is being served on all adverse parties, as required by 28 U.S.C. § 1446(d). A true and correct copy of this Notice will be filed with the Harris County District Clerk, as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendant Harris County respectfully requests that this action be removed to the United States District Court.

Respectfully submitted,

OF COUNSEL:  
VINCE RYAN  
HARRIS COUNTY ATTORNEY



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SETH HOPKINS

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### **CERTIFICATE OF SERVICE**

I certify that on the 13th day of June, 2018, a true and correct copy of the foregoing document was delivered to all counsel of record via the CM/ECF system and served by electronic notice to all parties of record:

**Attorney for Plaintiff**

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A handwritten signature in black ink that reads "Seth Hopk". The signature is written in a cursive, slightly stylized font.

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Seth Hopkins